STATE OF NORTH CAROLINA () ()		IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
WAKE COUNTY	2003 FEB 19 AM	13: 55 FILE NO.: 08 CVS
THE NORTH CAROLIN	A'STATE BAR, BY Petitioner	C.S.C. CONSENT ORDER OF PRLIMINARY INJUNCTION
DENNIS A. WHITLING Attorney,		
	Respondent	

THIS MATTER came on for consideration by the undersigned Judge of Superior Court of Wake County. Petitioner, the North Carolina State Bar was represented by Jennifer A. Porter. Respondent, Dennis A. Whitling, was represented by Alan M. Schneider. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Dennis A. Whitling (hereinafter "Whitling"), was licensed to practice law in North Carolina in 1983.
- 2. As of the date of this petition, Whitling's last known address of record on file with the North Carolina State Bar is 3200 Croasdaile Drive, Suite 301, Durham, NC 27705.
- 3. The State Bar's preliminary investigation indicates that there is reasonable cause to believe that Whitling mishandled entrusted funds.
 - 4. Whitling desires to cooperate with the State Bar.
- 5. A need for prompt action exists to ensure that additional fiduciary funds are not mishandled.

Based upon the foregoing findings, the Court makes the following:

CONCLUSIONS OF LAW

- 1. Prompt action pursuant to N.C. Gen. Stat. 84-28(f) is necessary to preserve the status quo while the State Bar continues to investigate Whitling's handling of fiduciary funds.
- 2. Whitling should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from withdrawing funds

from and/or writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.

- 3. To assist the State Bar's analysis of Whitling's handling of fiduciary funds, Whitling should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited to which he has had or currently has access from January 1, 2005 through the present. Whitling should also provide the N. C. State Bar with all records of all accounts in which mishandled fiduciary funds were deposited.
- 4. Whitling should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until further order of this Court

THEREFORE, IT IS HEREBY ORDERED:

- 1. Whitling is enjoined from accepting any further funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or writing any checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited until permitted by subsequent orders of the Court.
- 2. Whitling shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until further order of this Court.
- 3. Whitling, or any other person having custody or control of records described herein, shall immediately produce to the N.C. State Bar for inspection and copying all financial records relating to any account into which client or fiduciary funds have been deposited to which Whitling has had or currently has access from January 1, 2005 to the present, including but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 4. Whitling, or any other person having custody or control of records described herein, shall immediately produce to the N.C. State Bar for inspection and copying all records of all accounts in which mishandled fiduciary funds were deposited.
- 5. If Whitling does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Revised Rules of Professional Conduct or otherwise described herein, he shall direct the bank(s) where such account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the N.C. State Bar, at Whitling's expense.

6. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.
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THIS the Gay of Johnson, 2008.
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(Wake County Superior Court Judge
WE CONSENT RAW
Jennifer A. Porter
Attorney for Petitioner
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Alan M. Schneider
Attorney for Respondent
Jam a Shatty
Dennis A. Whitling / Respondent
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Date: